

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

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In re	:	
	:	Chapter 7
SIZMEK INC., <i>et al.</i>	:	
	:	Case No. 19-10971 (DSJ)
Debtors.	:	
-----X		(Joint Administered)
NITEL, INC.,	:	
Plaintiff,	:	
	:	
v.	:	Adv. Proc. No. 21-01160 (DSJ)
	:	
CERBERUS BUSINESS FINANCE, LLC, and	:	
PEPI CAPITAL, L.P.,	:	Civil Case No. []
	:	
Defendants.	:	
-----X		

**NOTICE OF MOTION FOR ORDER WITHDRAWING ADVERSARY PROCEEDING
UNDER 28 U.S.C. § 157(d) AND CONSOLIDATION WITH ACTION PENDING
UNDER FED. R. CIV. P. 42(a)**

PLEASE TAKE NOTICE THAT, upon the accompanying Memorandum of Law in Support of Defendants Cerberus Business Finance, LLC and PEPI Capital, L.P.’s (“Defendants”) Motion to Withdraw Adversary Proceeding under 28 U.S.C. § 157(d) and Consolidate with Pending Action Under Fed. R. Civ. P. 42(a), Defendants, by and through their undersigned attorneys, move this Court for an Order withdrawing from the bankruptcy court the above-captioned adversary proceeding under 28 U.S.C. § 157(d) and consolidating it under Fed. R. Civ. P. 42(a) with an action pending in this Court, Getty Images (US), Inc. v. Bronstein et al., Case No. 1:19-cv-09804 (GBD), and granting any such further relief as this Court deems just and proper.

Pursuant to this Court's Local Civil Rule 6.1(b), any opposing affidavits and answering memoranda must be served within fourteen days after service of Defendants' moving papers.

Dated: July 12, 2021

/s/ Michael L. Cook

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*Counsel for Defendants Cerberus Business
Finance, LLC and PEPI Capital, L.P.*

CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of July, 2021, I caused the foregoing document to be filed and served electronically using the Court's CM/ECF system, which automatically sent a notice of electronic filing to all counsel of record.

Dated: July 12, 2021

/s/ Michael L. Cook

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